

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

A.M., through her Guardian ad Litem,  
JOLEEN YOUNGERS,

Plaintiff,

vs.

No. CIV 13-0692 JB/WPL

NEW MEXICO DEPARTMENT OF HEALTH;  
LOS LUNAS CENTER FOR PERSONS WITH  
DEVELOPMENT DISABILITIES;  
ROGER ADAMS, individually and in his capacity  
as an agent for the New Mexico Department of Health;  
BETH SCHAEFER, individually and in her capacity  
as an agent for the New Mexico Department of Health;  
DAN SANDOVAL, individually and in his capacity  
as an agent for the New Mexico Department of Health;  
JOSEPH MATEJU, individually and in his capacity  
as an agent for the New Mexico Department of Health;  
NEW MEXICO AGING AND LONG-TERM SERVICES  
DEPARTMENT; and THE ADULT PROTECTIVE  
SERVICES DIVISION OF NEW MEXICO AGING  
AND LONG-TERM SERVICES DEPARTMENT,

Defendants.

**ORDER<sup>1</sup>**

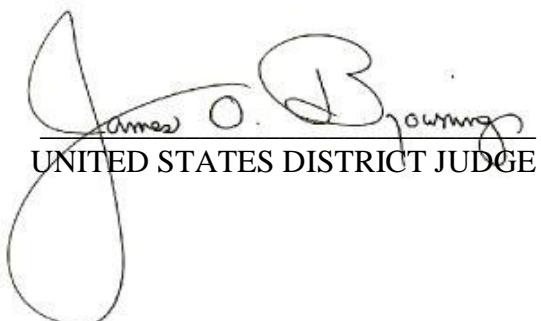
**THIS MATTER** comes before the Court on the Defendants' Motion to Dismiss Plaintiff's Fifth, Sixth and Seventh Causes of Action in Plaintiff's Amended Original Complaint for Damages and Any Cause of Action Under Section 1983 Predicated on Alleged Violations of the Rehabilitation Act, the Medicaid Act, and the Americans with Disabilities Act, filed March 6,

---

<sup>1</sup>This Order disposes of the Defendants' Motion to Dismiss Plaintiff's Fifth, Sixth and Seventh Causes of Action in Plaintiff's Amended Original Complaint for Damages and Any Cause of Action Under Section 1983 Predicated on Alleged Violations of the Rehabilitation Act, the Medicaid Act, and the Americans with Disabilities Act, filed March 6, 2014 (Doc. 25). The Court will, however, at a later date issue a memorandum opinion more fully detailing its rationale for this decision.

2014 (Doc. 25)(“Motion”). The Court held a hearing on October 23, 2014. The Court will deny the Motion.

**IT IS ORDERED** that the Defendants’ Motion to Dismiss Plaintiff’s Fifth, Sixth and Seventh Causes of Action in Plaintiff’s Amended Original Complaint for Damages and Any Cause of Action Under Section 1983 Predicated on Alleged Violations of the Rehabilitation Act, the Medicaid Act, and the Americans with Disabilities Act, filed March 6, 2014 (Doc. 25), is denied.



The image shows a handwritten signature in black ink. The signature consists of stylized initials 'J' and 'O.' followed by 'B. Cowing'. Below the signature, the words 'UNITED STATES DISTRICT JUDGE' are printed in a standard font.

*Counsel:*

John Ford Hall  
Kelly K. Waterfall  
Law Offices of Peter Cubra  
Albuquerque, New Mexico

--and--

Nancy L. Simmons  
Albuquerque, New Mexico

*Attorneys for the Plaintiff*

Stephen S. Hamilton  
Alexia Constanteras  
Montgomery & Andrews, P.A.  
Albuquerque, New Mexico

*Attorneys for Defendants*